

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WESLEY E. HOWELL,
Plaintiff,

v.

**COMMISSIONER OF SOCIAL
SECURITY**

Defendants.

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CIVIL NO. 07-CV-3473

ORDER

AND NOW, this 1st day of July, 2008, upon consideration of Magistrate Judge Perkin's Report and Recommendation [Doc. No. 19], Plaintiff's Motion for Summary Judgment [Doc. No. 15], Defendant's Response [Doc. No. 18], the briefs of the parties, and without any objection filed to the Report and Recommendation, it is hereby,

ORDERED that Magistrate Judge Perkin's Report and Recommendation is **APPROVED** and **ADOPTED**;

ORDERED that the relief sought by Plaintiff is **GRANTED** in part, in accordance with Magistrate Judge Perkin's Report and Recommendation;

ORDERED that the case is **REMANDED** to the Commissioner in accordance with the fourth sentence of 42 U.S.C. § 405 (g), in accordance with the Report and Recommendation;

ORDERED that in all other respects, Plaintiff's Motion for Summary Judgment is **DENIED**.

The Clerk of Court is directed to **CLOSE** this case for statistical purposes.

It is so **ORDERED**.

BY THE COURT:
/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.